

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-11, 14-35 and 37 are pending. Claim 36 has been withdrawn without prejudice or surrender of subject matter. Claim 37 is added. Claims 1, 6, 16, 22 and 31-35 are independent and are hereby amended. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

#### **II. REJECTIONS UNDER 35 U.S.C. 112**

Claim 1-11 and 14-35 were rejected under 35 U.S.C. 112, first paragraph.

The claims have been amended to overcome the rejection.

Applicants respectfully request withdrawal of the 112 rejection of claims 1-11 and 14-35.

#### **III. PRIOR REJECTIONS UNDER 35 U.S.C. 102**

Claims 1-11 and 14-30 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,002,394 to Schein et al.

Applicant respectfully traverses this rejection for at least two reasons.

First, independent claim 16 is representative and recites, *inter alia*:

“displaying a remote network server address of a commercial information sponsor of the program;

...

enabling a user to select the remote network server address;

...

displaying, in response to said selection, detailed information of the commercial information”

The above recited features are not found in the Schein reference.

The commercial information displayed and the remote network server address is that of a sponsor of the program that the is displayed. In the present application, FIG. 1 illustrates a program broadcasting system as a whole. In a broadcasting station, various television programs are produced and various commercials (CM) are produced based on the commercial information provided from each CM sponsor in accordance with an advertisement contract with a plurality of CM sponsors. Further, in the broadcasting station, the commercial information provided from a plurality of sponsors is superimposed on a program guide in addition to usual television programs. Publ. App. par. [0029].

Thus, in the CM display area A<sub>3</sub>, the image of a program displayed at each guide column constituting the program guide area A<sub>1</sub> and CM provided from a CM sponsor who contracts in advertisement are selectively displayed. Publ. App. par. [0107].

Also, claim 16 recites, “enabling a user to select the remote network server address.” That is, the display displays the network server address of a commercial sponsor of the program being viewed and the user is enabled to select the network address of the program sponsor. The receiver, then displays, “in response to the selection, detailed information of the commercial information.” In an example for the specification, when a user operates the remote commander 24 to match a cursor with the CM display area A<sub>3</sub>, B<sub>1</sub>, or C<sub>1</sub> to click it, a home page showing the detailed information of the CM displayed on the CM display area A<sub>3</sub>, B<sub>1</sub>, or C<sub>1</sub> is obtained from the www server on the Internet 5, so as to display it on the display screen 23A of the monitor device 23. Publ. App. par. [0116].

Once selected by the user, the system controller 44 displays the home page showing the detailed information of the CM displayed in the CM display area A<sub>3</sub>, B<sub>1</sub>, or C<sub>1</sub> on the display screen 23A of the monitor device 23 in accordance with the display processing procedure RT2 of the CM information shown in FIG. 13. Publ. App. par. [0117].

That is, the receiver reads out the URL information corresponding to the CM displayed on the CM display area A<sub>3</sub>, B<sub>1</sub>, or C<sub>1</sub> from the data F12 of the A3 data D<sub>A3</sub> (FIG. 4C) among from the program content data D<sub>PC</sub> which are stored in the memory 46C of the multimedia processor 46. Publ. App. par. [0119].

Then, the system accesses a page corresponding to the specified URL information through a modem 52. The home page obtained from a desired CM sponsor's terminal device 6 is displayed, and stored in the DRAM 37A with a bit map form (step SP14). Publ. App. par. [0121].

Similarly, when the user operates the remote commander 24 to match a cursor onto the CM display area A<sub>3</sub>, B<sub>1</sub>, or C<sub>1</sub> and clicks the select key K21, the home page showing the detailed information of the CM can be displayed. Publ. App. par. [0126].

According to the above construction, at the time of searching a program using the EPG screen, a user can view the CM of the sponsor providing an interesting program, and simultaneously, the detailed information of a desired CM selected by user can be easily obtained through the Internet. Publ. App. par. [0128]

Thus claim 16 is believed patentable over Schein because that reference does not disclose each and every element recited in the claim.

Applicant believes independent claims 1, 6, 22 and 31-35 are allowable for substantially the same reason.

Second, the claims have been amended to clarify the invention. Claim 1 is representative and recites, *inter alia*:

“... processing a plurality of commercial information ...

...

wherein, when a cursor is moved onto a program column of the program guide screen, each of said commercial information of the commercial information sponsor of the program is displayed successively, shifted temporally from one another.” ;

Applicant submits that Schein does not teach or suggest the above-identified features of claim 1. Specifically, Applicant submits that there is no teaching or suggestion that, when the cursor is moved onto a program column the “commercial information of the commercial information sponsor of the program is displayed successively, shifted temporally from one

another . . .” as recited in claim 1. That is, a plurality of commercial data of the p[rogram sponsor are transmitted in response to the location of the cursor and each of the commercial data are successively displayed shifted in time from one another. For example, a number of commercials are played one after the other.

Thus in the present application, the plurality of commercial information is successively displayed. That is, the commercials are displayed one after another displaced temporally from one another. This distinguishes from Schein wherein commercial data is displayed in a list or at the same time.

Thus, a plurality of commercial data can be displayed successively for a single program. Similarly, a plurality of commercial data for a single program can be displayed successively with being shifted temporally in the commercial data display area the displayed program guide. Pars. [0137], [0138] and FIG. 7A-7C.

The Applicant emphasizes that the appropriate definition of “successively” as found in the specification at par. [0138] has a temporal component. That is, a plurality of commercial information is successively displayed one after another in time in the commercial information display area.

“The inventor’s words that are used to describe the invention—the inventor’s lexicography—must be understood and interpreted by the court as they would be understood and interpreted by a person in that field of technology. Thus the court starts the decision making process by reviewing the same resources as would that person, viz., the patent specification and the prosecution history.”

*Phillips v. AWH Corp.*, 363 F.3d 1207 (Fed. Cir. 2004) (emphasis added). *See also Medrad, Inc. v. MRI Devices Corp.*, 401 F.3d 1313, 1319 (Fed. Cir. 2005) (“We cannot look at the ordinary meaning of the term . . . in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history.”). “As we stated in

*Vitronics*, the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.” *Phillips* at 1315 (quoting *Vitronics Corp. v. Conceptronics, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996))

The interpretation of “consecutively” as used in the specification is, “Following in uninterrupted order; consecutive: *on three successive days*.” *The American Heritage Dictionary of the English Language: Fourth Edition* (2000). Thus, “successively,” as used in the specification includes a temporal component; “the plurality of commercial information for a single program can be successively displayed with being shifted temporally.” Par. [0138]. That is, successively displayed one after another in time. Pars. [0137], [0138].

Applicant respectfully submits claim 1 is patentable over the Schein reference. Applicant believes independent claims 6, 16, 22 and 31-35 are allowable for substantially the same reason.

#### **IV. NEW CLAIM**

Claim 37 has been added. Claim 37 depends from independent claim 34 and characterizes the transmitting apparatus element of claim 34. Support for this claim is found throughout the specification as originally filed and, for example, in the Publ. App. par. [0037]-[0043] and FIGS. 2 and 4.

#### **CONCLUSION**

Claims 1-11, 14-35 and 37 are believed patentable. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is

respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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